

Ordinance No. 507

An Ordinance to revise Section 230.21.1 B of the Zoning Code of the City of New Castle to:

(1) Make Stand Alone Multi-Family Dwelling Development Projects in the Downtown Gateway Zoning District Permissible Only with the Grant of a Special Exception from the Board of Adjustment; and (2) require Planning Commission Review and Recommendation for all Special Exception Applications in the Downtown Gateway Zoning District.

WHEREAS, the Council of the City of New Castle (“Council”) has previously adopted Section 230-21.1 to establish the Downtown Gateway (DG) Zoning District; and

WHEREAS, Section 230-21.1 B, Table 1, lists “Multifamily Dwelling” as a permitted use as a matter of right in the DG zoning district; and

WHEREAS, Council has determined that certain stand-alone multifamily dwelling projects may have the effect of frustrating the stated intent of the DG zoning classification to: (a) extend the built-form, character and scale of the historic district; and (b) encourage lively, human-scaled gathering places for the community through building design and orientation and by encouraging a mix of uses; and

WHEREAS, Council has further determined that limiting stand-alone multifamily dwelling projects in the DG District may be suitably controlled by permitting such uses only after the grant of a special exception by the Board of Adjustment; and

WHEREAS, Council has further determined that proposed uses in the DG zoning district permitted by special exception from the Board of Adjustment may be granted only following review and recommendation of such proposals by the Planning Commission;

NOW, THEREFORE, be it ordained by the Council of the City of New Castle, as follows:

SECTION 1: Section 230-21.1 B, Table 1 of the Code of the City of New Castle entitled “Permitted Uses” is hereby amended so that multifamily dwellings are permitted only by means of a special exception (designated as “SE” in Table 1) granted by the Board of Adjustment.

SECTION 2: The first sentence of section 230-21.1 B of the Zoning Code is hereby amended to read as follows:

“B. The following uses in the DG Districts are either: (a) permitted by right, or (b) permitted by special exception following review and recommendation by the Planning Commission.”

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase irrespective of the fact that any one or more thereof is declared unconstitutional or invalid.

SECTION 4. Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided that any such repeal shall not abate a right of action already accrued under any repealed Ordinance.

SECTION 5. This Ordinance shall become effective immediately upon passage.

First Reading **April 6, 2016**

Second Reading _____ __, 2016

Signed this _____ day of _____, 2016

Linda Ratchford, President of Council

I hereby certify that the foregoing Ordinance was duly approved by the Council of the Mayor and Council of New Castle upon the dates above set forth and signed by the President of Council.

Janet E. Wurtzel, City Clerk

Approved this _____ day of _____, 2016

Donald A. Reese, Mayor